

REMARKS

Request for a 1-month Extension of Time for Answering

Applicants hereby request for a 1-month Extension of Time for responding to the outstanding office action with the fee of the difference between the second month extension and the first month extension being concurrently paid online with the filing of this response.

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the Office Communications but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amended claims and the following remarks.

Claim Status and Amendments

Claims 28-32, 34-38, 40-41, 44, 47, 49-52, 54 and 55 are now pending and under consideration. Claims 31-32 and 34 have been indicated as being allowable.

Claims 28-30, 35- 38, 40-41, 44, 47, 49, 52, 54 and 55 have been amended. Claims 39, 42-43, 48 and 53 have been canceled.

As discussed in the following sections, most of these amendments are made to clarify the ambiguities raised by the Examiner. Other amendments further narrow the claims in a more specific way. Hence, all the amendments have their respective support in the previously presented claim set.

The amendments have been made with the consideration of the Advisory Office Action. It is believed that the new matter issues have been rendered moot in view of the current amendments.

No new matters have been added.

Claim Objections

Claims 52-53 had been objected as being in improper dependent claim form. Claim 52 has been amended to remove multiple dependency and claim 53 has been cancelled.

For the objection on Claim 41 for the term "digoxigenin", the Applicant respectfully submits that digoxigenin is a new kind of label for hybridization probes. An article abstract is attached for your reference.

Claim 47 has been amended to correct a typo of "stain" into "strain".

Claim Rejections - 35 USC §112

Claims 28-30, 35- 38, 40-41, 44, 47, 49, 52, 54 and 55 have been amended to remove the term "specific" and to remedy some antecedent deficiencies.

Claims 47, 49 and 55 have been amended to clarify the relationship between steps.

Claims 42-43 have been cancelled and Claim 54 has been amended to specify the sequences.

Claim 36 has been amended to remove matter added in last response.

Claim Rejections - 35 USC § 102

1. Claims 35-36 and 41

Claims 35-36 and 41 had been rejected under 35 U.S.C. 102(e) as being anticipated by Stover et al.

Claims 35-36 and 41 have been amended to limit the nucleotide probe to the specific sequences as in claim 31 and claim 34, which have been indicated as being patentable subject matter.

It is respectfully submitted that claims 35-36 and 41 are now patentable over Stover.

2. Claim 37

Claim 37 was rejected as being anticipated by Brennan.

Claim 37 has been amended to specify 21-base-pair nucleotide probes. The support for this amendment can be seen from lines 15-16, page 8 of the specification.

Brennan relates to all possible 10-base-pair oligonucleotides. Therefore, Claim 37 is distinguishable from Brennan.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance, and this action is respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account # 02-2275.

Respectfully submitted,

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Enclosure: Abstract of an Article on Digoxigenin.